

1 Lynn Macy "In Pro Per"

2 P.O. Box #103

3 Twin Peaks, CA 92391

4 Telephone: (909) 744 -8480

5 Email: 1611Bible.us@gmail.com

6 THE UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA EASTERN DIVISION

8 LYNN MACY,

9 Plaintiff,

10 vs.

11 CEDARPINES PARK MUTUAL WATER
12 COMPANY,

13 Defendant.

Case No.: 5:24-cv-00668-AB-SHK

**PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION TO QUASH
SUMMONS**

STATEMENT OF FACTS

14 On April 4, 2024, when the Clerk of Court issued a Notice to Filer of
15 Deficiencies in Request for Issuance of Summons ("NOD"), which stated that
16 "[t]he caption of the summons must match the caption of the complaint
17 verbatim" & that "[t]he summons cannot be issued until this defect has been
18 corrected." ECF No. 9, NOD at 1 Plaintiff fixed all errors & submitted it back to the
19 court. On Plaintiff's AO-440 Summons in a Civil Action (Exhibit 5) Plaintiff provided
20 the identity & address of the Defendant to the Court: Cedarpines Park Mutual
21 Water Company 21853 Crest Forest Dr, Cedarpines Park, CA 92322.

22 On April 9, 2024, Plaintiff filed the request for the United States Marshal
23 Service ("USMS") to serve the Complaint & Summons on Defendant Cedarpines
24 Park Mutual Water Company ("USMS Request"), but the judge never responded
25 to Plaintiff's Request.

26 On April 9, 2024, the Clerk of Court issued a Summons ("Summons") for
27 Defendant Cedarpines Park Mutual Water Company. (Exhibit 5)

28 On April 16, 2024, Plaintiff served the Cedarpines Park Mutual Water
Company Defendant: Summons & Complaint, since the USMS Request was not

1 approved & the court did not order that service be made by a United States
2 marshal or deputy marshal or by a person specially appointed by the court.
3 Plaintiff also filed a Proof of Service ("POS"), indicating that Defendant
4 Cedarpines Park Mutual Water Company was served with the Summons &
5 Complaint. (Exhibit 2, Exhibit 4, Exhibit 6)

6 On July 8, 2024, Plaintiff filed another Proof of Service ("POS"), indicating
7 that Defendant Cedarpines Park Mutual Water Company was properly served
8 with the Summons & Complaint. ECF No. 14, POS. Plaintiff also provided proof &
9 Tracking Numbers from the United States District Court Central District of
10 California website. The Court erred in losing Plaintiff's April 16, 2024 Proof of
11 Service. Plaintiff served Defendant within 90 days since Plaintiff filed the
12 Complaint in this case & the Defendant was served with the Summons &
13 Complaint. (Exhibit 3)

14 Defendant should also be aware of Federal Rule of Civil Procedure 4(d),
15 which provides "[a]n individual, corporation, or association that is subject of
16 service Under Federal Rules of Civil Procedure Rule 4(e), (f), or (h) **has a duty to**
17 **avoid unnecessary expenses of serving the summons;** 4(c) Service: (1) In
18 General. A summons must be served with a copy of the complaint. (2) By
19 Whom. Any person who is at least 18 years old & not a party may serve a
20 summons & complaint.

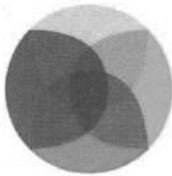
21 Plaintiff served an employee in Cedarpines Park Mutual Water Company
22 at the address on Exhibit 5, there's only 1 building, the employees took the
23 Summons & Complaint. Defendant received the Summons & Complaint in the
24 Federal U.S. mail to the address on record from employees. Defendant even
25 responded & acknowledged to receiving Plaintiff's Complaint & Summons by
26 mailing Plaintiff back. Defendant also hired a lawyer: Christopher M. Moffitt who
27

1 mailed proof of receipt dated June 18, 2024 to Plaintiff Lynn Macy (Exhibit A:
2 Acknowledgement of Receipt). Defendant's own proof of acknowledge & fair
3 notice. Defendant's own lawyer said Plaintiff could serve Summons & Complaint
4 again to Defendant's lawyer; proving that Defendant had already been served
5 the Summons & Complaint. Defendant's own lawyer has Summons & Complaint
6 as shown in Defendant's own ECF No. 16 Exhibits A-B. Defendant used a
7 California Code "Cal. Code Civ. P. 416.10" as an example, not a Federal Code.
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10 Respectfully Submitted,

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12 By Plaintiff: Lynn Macy
13 Lynn Macy

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15 Date: July 29, 2024
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BBK
BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

Christopher M. Moffitt
Of Counsel
(951) 826-8454
chris.moffitt@bbklaw.com

June 18, 2024

VIA FIRST CLASS MAIL

Lynn Macy
PO Box 103
Twin Peaks, California 92391

Re: Lynn Macy v. Cedarpines Park Mutual Water Company, et al.
Case No. 5:24-CV-00668-AB-SHKx

Dear Ms. Macy:

Cedarpines Park Mutual Water Company ("CPMWC") has retained Best Best & Krieger LLP to represent it in the lawsuit you filed, case number 5:24-CV-00668-AB-SHKx, styled *Lynn Macy v. Cedarpines Park Mutual Water Company, et al.*

First, I would like to request an email address for you to facilitate expedited communication. If you prefer receiving correspondence via mail, however, we will proceed with the address you provided to the court.

I write this letter because the summons you attempted to serve on CPMWC appears to be defective for two reasons. First, the summons indicates that the lawsuit is pending in the Eastern District of California (see enclosed); however, there is no record of a case number 5:24-CV-00668 in that court, and thus the CPMWC has no present ability—or obligation—to respond to any such complaint.

Second, the summons was apparently "dropped off" at CPMWC and was not served on any individual for whom service of process is proper under the Federal Rules of Civil Procedure or California Code of Civil Procedure. (See Fed. R. Civ. P. 4(h) [requiring service either (1)(A) pursuant to the rules of the state in which the district court is located or (1)(B) "by delivering a copy of the summons and of the complaint to an **officer, a managing or general agent**, or any other **agent authorized by appointment or by law** to receive service of process and—if the agent is one authorized by statute and the statute so requires—by also mailing a copy of each to the defendant" (emphasis added)]; see also Cal. Code Civ. P. §§ 416.10 [requiring service on the person designated as agent for service of process or the president or other officer of the corporation], 415.20 [alternatively permitting service at an office during usual business hours "on the person **who is apparently in charge thereof**...[so long as it is] left with a person at least 18 years of age, **who shall be informed of the contents thereof**" (emphasis added)].)

My understanding is that service was not effected in any of the acceptable manners set forth above. If your understanding differs, please advise immediately.

Best Best & Krieger LLP | 3390 University Avenue, 5th Floor, P.O. Box 1028, Riverside, California 92502
Phone: (951) 686-1450 | Fax: (951) 686-3083 | bbklaw.com

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UNITED STATES DISTRICT COURT
Central District of California
Dolly M. Gee, Chief Judge
Brian D. Karth, District Court Executive/Clerk of Court

Clerk Services	E-Filing	Judges' Requirements	Calendars	Accommodations	Court Procedures	Newsorthy	Court Locations	Contact Us
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CONFIRMATION

The document(s) listed below have been submitted to the United States District Court for the Central District of California using the Electronic Document Submission System ("EDSS"). The document(s) have not yet been filed. Just like documents received through the U.S. Mail, documents received through the Electronic Document Submission System ("EDSS") will not be considered filed until court staff have uploaded them into the Court's Case Management/Electronic Case Filing System ("CM/ECF").

Documents submitted using EDSS should be processed within 1-2 business days of receipt. However, the date of EDSS submission, shown below, will be considered the filing date for any documents submitted through EDSS and later filed into CM/ECF.

Name: Lynn Macy
Tracking Number: EDS-240416-001-2068
Date: 4/16/2024

Uploaded files:

- **Proof of Service.pdf**
Description: Proof of Service

Please include the tracking number as a reference on any communications with the Court about this submission. We recommend that you print this page for your records. You should also receive an email, sent to the email address you provided during the EDSS submission process, confirming your submission.

For assistance, please contact:

Civil Intake
United States District Court
Central District of California
Tel: (213) 894-3535

Juries Attorneys People without Lawyers Media

UNITED STATES DISTRICT COURT
Central District of California

Dolly M. Gee, Chief Judge
Brian D. Korth, District Court Executive/Clerk of Court



Clk Services	E Filing	Judges' Requirements	Calendars	Accommodations	Court Procedures	Newsorthy	Court Locations	Contact Us
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Name: Lynn Macy
Tracking Number: EDS-240708-001-3412
Date: 7/18/2024

Uploaded files:

- **Proof of Service.pdf**
Description: 1. We looked on the computer and the Proof of Service didn't show up, so sending again. Also we requested U.S. Marshal to serve case to Water Company. Please send us in mail, so U.S. Marshal's can serve the Water Company.
- **Proof of Service Confirmation.pdf**
Description: 3. Proof of Service Confirmation from website on 4/16/2024 Tracking Number: EDS-240416-001-2068.
- **Yahoo Mail - Submission Confirmation.pdf**
Description: 2. Yahoo Email showing submitted Proof of Service on 4/16/2024 5:36:05 PM. Tracking Number: EDS-240416-001-2068

Please include the tracking number as a reference on any communications with the Court about this submission. We recommend that you print this page for your records. You should also receive an email sent to the email address you provided during the EDSS submission process, confirming your submission.

For assistance, please contact:

Civil Intake
United States District Court
Central District of California
Tel: (213) 894-3535

Go back to the main EDSS page.

Clk Services

Jury Information

Attorney Information

Court Procedures

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 5:24-CV-00668-AB-SHKx

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) Cedarpines Park Mutal Water Co.
was received by me on (date) 04/16/2024.

☒ I personally served the summons on the individual at (place) inside the office's of Cedarpines Park Mutal Water Co. w/ a blonde lady at the office on (date) 04/16/2024; or

☒ I left the summons at the individual's residence or usual place of ~~abode~~ ^{business} with (name) the blonde worker at the office of Cedarpines Park Water Co., a person of suitable age and discretion who resides there, on (date) 04/16/2024, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) _____, who is designated by law to accept service of process on behalf of (name of organization) _____ on (date) _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 04/16/2024

Julie Macy
Server's signature

Julie Macy
Printed name and title

P.O. Box 103, Twin Peaks, CA 92391
Server's address

Additional information regarding attempted service, etc:

1. I dropped the summons and complaint inside the office's window with the female blonde worker of the Cedarpines Park Mutal Water Co. during business hours at 2:45 PM on 04/16/2024. ^{201 Nardy Ln, Cedarpines Park, CA 92322}
2. I personally dropped off the summons and complaint with the USPS worker and paid for extra stamp at ^{Twin Peaks Postal Service at 4:15pm} on 04/16/2024, Mail to: ^{Cedarpines Park Mutal Water Co.} P.O. Box 9259 ^{Cedarpines Park CA 92321}

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of California ☐

Lynn Macy

Plaintiff(s)

v.

Cedarpines Park Mutual Water Company
See attachment complaint:

Defendant(s)

Civil Action No. 5:24-CV-00668-AB-SHKx

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Cedarpines Park Mutual Water Company
21853 Crest Forest Dr, Cedarpines Park, CA 92322

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Lynn Macy
26175 Augusta Way, Lake Arrowhead, CA 92352
Mailing: P.O. Box #103 Twin Peaks, CA 92391

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 04/09/2024


Signature of Clerk

Submission Confirmation

From: Civil Intake (do-not-reply@cacd.uscourts.gov)

To: macybuilders@yahoo.com

Date: Tuesday, April 16, 2024 at 05:08 PM PDT

Dear Lynn Macy:

This email confirms that the document(s) listed below were received by the United States District Court for the Central District of California at the date and time indicated:

Name: Lynn Macy

Tracking Number: EDS-240416-001-2068

Date: 4/16/2024 5:08:05 PM

Uploaded files:

- **Proof of Service.pdf**
Proof of Service

The document(s) have not yet been filed. Just like documents received through the U.S. Mail, documents received through the Electronic Document Submission System ("EDSS") will not be considered filed until court staff have uploaded them into the Court's Case Management/Electronic Case Filing System ("CM/ECF"). Documents submitted using EDSS should be processed within 1-2 business days of receipt. However, the date of EDSS submission will be considered the filing date for any documents received through EDSS and later filed into CM/ECF.

If you are registered for electronic service of documents and receiving e-service in this case, you will receive a Notice of Electronic Filing ("NEF") from the CM/ECF System as soon as each document listed above has been filed. (Click [here](#) for information about registering for electronic service or to add e-service in this case.) If you are not registered for electronic service, you may check the status of your documents by checking the docket for your case on PACER (<https://pacer.uscourts.gov>). Please wait at least two business days after receiving this email and check the docket for your case on PACER before contacting the Court regarding the status of documents submitted through EDSS.

If you are trying to file a document in a case pending before the United States Bankruptcy Court, or in any case pending in any court other than the United States District Court for the Central District of California, your document will not be filed and you will not receive any response to your EDSS submission. Likewise, if you are an attorney required by the local rules to file your documents electronically using the Court's CM/ECF System, your document(s) will not be filed if submitted through EDSS, and you will not receive any further communication from the Court about your EDSS submission.

Please include the tracking number listed above as your reference on any communications with the Court about this submission. We recommend that you keep this email for your records.

Civil Intake
United States District Court
Central District of California
Tel: (213) 894-3535